

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 04-13828

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 9, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-80132 CV-WPD

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff-Appellee,

versus

CHARLES I. FREMER,  
JAYSON S. KLINE, et al.,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Southern District of Florida

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(May 9, 2005)

Before ANDERSON, HULL and GIBSON\*, Circuit Judges.

PER CURIAM:

We decline to address the applicability of Regulation § 32.9, because that

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\* Honorable John R. Gibson, United States Circuit Judge for the Eighth Circuit, sitting by designation.

issue was not raised in the district court. Appellants may request that the district court address the issue on remand.

With respect to the merits, we have carefully considered the several arguments of appellants, both in brief and at oral argument. However, we readily conclude that the district court did not abuse its discretion in granting the preliminary injunction. Accordingly, the judgment of the district court is

**AFFIRMED.**